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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|--|---|--------------------------|
| First Named Applicant: Yukie |) | Art Unit: 3628 |
| |) | |
| Serial No.: 09/542,139 |) | Examiner: Poinvil |
| |) | |
| Filed: April 4, 2000 |) | 50P 3859.02 |
| |) | |
| For: SYSTEM AND METHOD FOR PROVIDING |) | May 16, 2005 |
| PUBLICLY VENDED CONTENT VIA A WIRELESS |) | 750 B STREET, Suite 3120 |
| NETWORK |) | San Diego, CA 92101 |
| |) | |

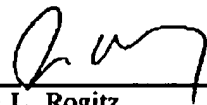
NOTICE OF APPEAL

Commissioner of Patents and Trademarks
Washington, DC 20231

Dear Sir:

The final rejections in the Office Action dated April 29, 2005 are hereby appealed. The appeal fees were already paid in the first appeal brief back in 2003, after which the Patent Office followed what has become the normal course of events and reopened prosecution, necessitating this second brief but no further fees for the Office.

Respectfully submitted,



John L. Rogitz
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Attorney of Record
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San Diego, CA 92101
Telephone: (619) 338-8075

JLR:jg

1168-2,NAJ

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| Serial No.: 09/542,139 |) | Examiner: Poinvil |
| |) | |
| Filed: April 4, 2000 |) | 50P3859.02 |
| |) | |
| For: SYSTEM AND METHOD FOR PROVIDING |) | May 16, 2005 |
| PUBLICLY VENDED CONTENT VIA A WIRELESS |) | 750 B Street, Suite 3120 |
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| |) | |
| |) | Customer No. 36738 |

FACSIMILE TRANSMITTAL LETTER FOR NOTICE OF APPEAL; APPEAL BRIEF

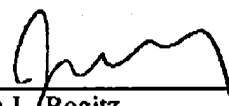
Commissioner for Patents
Alexandria, VA 22313
Facsimile No.: (703) 872-9306

Dear Sir:

In connection with the Office Action dated April 29, 2005 enclosed herewith are the following:

1. A Notice of Appeal;
2. Second Appeal Brief in 7 pages; Appendix A in 3 pages; Appendix B in 1 page; and Appendix C in 1 page.
3. Fees previously paid with First Appeal Notice and Brief filed August 5, 2003.

Respectfully submitted,



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Telephone: (619) 338-8075We are transmitting a total of 14 page(s) including this cover sheet on May 16, 2005.IF YOU DO NOT RECEIVE ALL TRANSMITTED PAGES, PLEASE CALL US AT:
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